

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DAVID STEBBINS, d.b.a. ACERTHORN

PLAINTIFF

VS.

Case 3:21-cv-04184-JSW

KARL POLANO, et al

DEFENDANTS

MOTION FOR DEFAULT JUDGMENT AS TO FACEBOOK INC.

Comes now, *pro se* Plaintiff David Stebbins, who hereby submits the following Motion for Default Judgment as to Facebook, Inc.

1. On October 4, 2021, the Clerk entered Facebook Inc in default in this case. See **Doc. 72**.
2. This means that all factual allegations in the Complaint that pertain to Facebook except the extent of damages are deemed admitted by them¹. Even my entitlement to injunctive relief is admitted by default.
3. I believe Facebook Inc. should be held liable for the full amount of \$150,000 in statutory damages, as they have acted in gross bad faith, almost as much as the individual defendants. Facebook certainly *enabled* the individual defendants by allowing them a platform to post their harassing, doxxing, copyright-infringing garbage.
4. Please find, attached to this motion, the following exhibits:
 - **Exhibit A** – A copy of the DMCA Takedown I filed with Instagram on June 7, 2021.
 - **Exhibit B** – A copy of the email Facebook sent to me, informing me that they will not take down the infringing content.
 - **Exhibit C** – An email sent to me by the defendant, acknowledging that the infringing content was also an invasion of privacy.
 - **Exhibit D** – An email I sent to Facebook, offering to explain to them why the individual defendants' videos were not fair use.
 - **Exhibit E** – An email from Facebook refusing to hear my arguments for why the individual defendants' videos were not fair use.
 - **Exhibit F** – A direct message (or DM for short) sent to me on Facebook's website

¹ Although the individual defendants are free to contest these facts if they make timely appearances in the case. I concede that it would be unfair to impose res judicata on the individual defendants just because Facebook didn't show up for the case.

instagram.com, openly admitting that they “do not simply give a [f-word]” about my legal rights.

- **Exhibit G** – A DM sent to me by Polano, calling me the B-word and stating that I will not stop him.
- **Exhibit H** – Facebook's financial statement to its investors for the second quarter of 2021 (the most recent quarter for which a publicly available financial statement is available).

5. Also attached to this motion is a memorandum if points and authorities in support thereof, the contents of which are hereby incorporated by reference.

6. Wherefore, premises considered, I respectfully request that the Court enter injunctive relief ordering Facebook to take down the infringing content, ban the AcerthornFanClub Instagram page as well as all accounts owned by and/or associated with the individual defendants, not allow the individual defendants to create any more accounts with any of Facebook's services, and award me statutory damages of \$150,000.

So requested on this, the 4th day of October, 2021.

/s/ David Stebbins
David Stebbins
123 W. Ridge Ave.,
APT D
Harrison, AR 72601
(870) 212-4947
acerthorn@yahoo.com